

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

DEC - 7 2006

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JAN 31 2007

RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SEC. L/3

**IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

Pamela D. Bodenstein, etc. v. Merck & Co., Inc., et al., N.D. California, C.A. No. 3:06-6728

06-11434

**CONDITIONAL TRANSFER ORDER (CTO-78)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

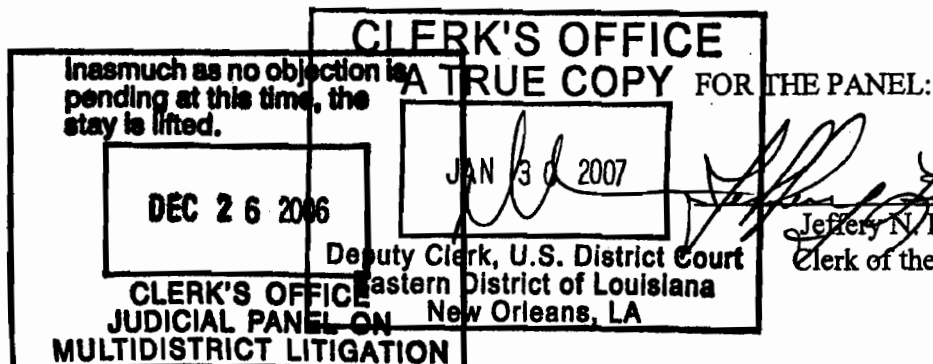
On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 5,274 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the action on this conditional transfer order comprises claims relating to: 1) the prescription drugs Bextra and/or Celebrex; and 2) the prescription drug Vioxx. This action is already included in MDL-1699 previously centralized in the Northern District of California before the Honorable Charles R. Breyer. The Vioxx claims, however, appear to share questions of fact with actions in MDL-1657 previously centralized in the Eastern District of Louisiana.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

The claims in this action relating to Bextra and/or Celebrex are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Northern District of California for continued inclusion in the centralized pretrial proceedings in MDL-1699.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof, and if any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.



Fee _____
Process _____
X Dkt'd _____
CtRmDep _____
Doc. No. 9618

Jeffery N. Lüthi
Clerk of the Panel